

January 26, 2010

**Public Hearing - Replat:** Starwood Phase 6, Villages 19 & 20, Block A, Lots 4R, 5, and 6 (RP09-0014)  
**Owner(s):** Starwood Homeowner's Association, Inc.

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**DESCRIPTION:**

Three common area lots on 4.7± acres on the south side of Pintail Lane, 160± feet east of Sweeney Trail. Zoned Planned Development-106-Single Family. Neighborhood #22. RC. (Tabled on 11/10/09 and 12/08/09).

**This item must be removed from the table.**

The Planning & Zoning Commission tabled this item at the request of the applicant to conduct a floodway study and to submit this study to Engineering Services to review. The applicant wishes to move the item forward without this study. The applicant did waive their right to action within 30 days.

**REMARKS:**

**Purpose:** The purpose of the replat is to create two separate common area lots within the floodway and drainage easement to be sold to adjacent Lots 6 and 7 for private landscaping.

**Additional Information:** The recorded plat designates Lot 4 as a drainage and floodway easement only, dedicated to and maintained by the Starwood Homeowners Association. The easement collects development runoff flowing north to south and east to west within a designated "Green Belt" area. The Subdivision Ordinance prohibits drainage and floodway easements on developable lots to prevent encroachments that would impact the easements and to ensure access is maintained and not compromised when maintenance is required, especially during emergencies.

Staff has worked with the applicant to find a solution to meet the request and suggested submitting a floodway study to examine if portions outside the 100 year fully developed

flood plain could be reclaimed as acreage for the adjacent lots. Additionally, Engineering Services has requested drainage calculations be submitted by a registered engineer to determine the proper size of the drainage easement between Lots 6 and 7. Once the size of the easement is established, the drainage and floodway easement may be modified accordingly. No study has been submitted for City review. Engineering Services does not support the replat due to the unresolved nonconforming divided floodway and drainage easement.

**Concerns:**

Compliance with the Subdivision Ordinance Section 8.03(a) (1) states – “storm drainage easements shall be contained full on one lot or tract, and shall not be split across the property line between two (2) lots or tracts.” The replat submitted does not meet this requirement.

**RECOMMENDATION:**

Recommended for denial due to nonconformance with the Subdivision Ordinance.